REMARKS

Status of the Claims

The Office Action mailed May 9, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-26 were pending in the application. Claims 1, 3, 14, and 20 have been amended and no claims have been canceled or newly added. Therefore, claims 1-26 are pending in the application. It should be noted that claim 20 has been amended to correct a typographical error and not to narrow its scope in any way.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicant sincerely thanks the examiner for indicating that claims 21 and 22 are allowed.

§ 112, First Paragraph, Rejection

Claims 1-14, 25, and 26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 3, and 14 have been amended to address the issues raised in the office action and applicant submits that the pending claims 1, 3, and 14 are fully supported by the specification and meet the requirements of section 112, first paragraph.

Prior Art Rejection

In the Office Action, some of the claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese patent document 08 104 219 (hereafter "JP '219") in view of U.S. Patent No. 4,749,239 to Onogi et al. (hereafter "Onogi"). It should be noted that the office action does not clearly state which claims have been have been rejected in paragraph 6 of the office action. The body of the paragraph 6 refers to claims 15, 16, and 20, but it appears that the office action also rejected at least independent claims 1 and 14 as well (since these claims were not indicated as being allowable over the prior art). Applicant respectfully traverses these rejections for at least the following reasons.

As acknowledged in the office action, Okazaki does not disclose the use of a road wheel acceleration in a vehicular model that ***estimates*** a second brake liquid pressure as recited in independent claims 1 and 14. This deficiency in Okazaki is also not cured by Onogi.

Specifically, a review of the equations in column 3, lines 30-35 of Onogi (cited in the office action) also confirms this distinction between the claimed invention and the applied prior art. Although the road wheel acceleration is described in these section of Onogi, it is used to derive the parameter Wp which is used to derive, as shown in the equation (3), the ***target*** liquid (hydraulic) pressure value Py in Onogi. In sharp contrast, the vehicular model is used to derive the second ***estimated*** liquid pressure value. In other words, target liquid pressure value Py recited in Onogi at best corresponds to the target wheel cylinder pressure calculated by the target wheel cylinder pressure calculating section 30e in Fig. 3 of the present application.

Furthermore, in column 3, line 47, Onogi discloses an estimated liquid pressure value Px but the road wheel acceleration is not used to derive this estimated liquid pressure value Px. Therefore, it is clear that at least this recited feature is not disclosed either in Okazaki or in Onogi and is, therefore, necessarily not disclosed in their combination. Accordingly, the office action fails to make a *prima facie* case of obviousness with respect to the pending independent claims 1 and 14.

There is a correlation between the increase quantity in the brake pressure or the decrease quantity therein and the vehicular road wheel behavior (or motion) (road wheel acceleration). In the claimed invention defined in the respective claims 1 and 14, the inputting of the actual road wheel behavior (road wheel acceleration) into the vehicle model during the brake control (VDC/ABS) ensures that the estimated liquid pressure accounts for the above correlation. Thus, a more accurate estimation of the liquid pressure is achieved.

Independent claims 15, 16, and 20 also recite, *inter alia*, a second brake liquid pressure section that *estimates* a second brake liquid pressure of the wheel cylinders based on a vehicular model and these features, in the claimed combination, are also not disclosed in the applied prior art as discussed earlier herein with respect to claims 1 and 14. Accordingly, independent claims 15, 16, and 20 are also patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they depend. In addition, they recite additional patentable features when considered as a whole. For example, claims 25 and 26 recite features that are not disclosed or suggested by the applied prior art and these features provide additional reasons for the patentability of these claims.

Conclusion

In view of the foregoing amendments and remarks, applicant believes that the application is in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Respectfully submitted,

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